



Washington State
Department of Social
& Health Services

CA Children's Administration

Child Protective Services: Guidance for Mandated Reporters



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Overview

- **Mandatory Reporting Law**
- **Child Abuse and Neglect**
- **Role of the Mandated Reporter**
- **Reporting and Racial Disproportionality**
- **Role of DSHS/Children's Administration Intake and CPS**
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Mandatory Reporting Laws



Mandatory Reporting Laws

- Mandated Reporters must report child abuse or neglect (or cause a report to be made) to law enforcement or CPS when they have reasonable cause to believe a child has suffered abuse or neglect. [RCW 26.44.030 \(1\)\(a\)](#)
- The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. [RCW 26.44.030 \(1\)\(f\)](#)
- A child is defined as any person under the age of eighteen years. [RCW 26.44.020 \(6\)](#)

Child Abuse and Neglect



Child Abuse and Neglect

- **Types of Abuse**
 - Physical Abuse
 - Sexual Abuse
 - Sexual Exploitation
 - Negligent Treatment or Maltreatment



Child Abuse and Neglect

- Definition: Sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which causes harm to the child's health, welfare, or safety or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

RCW 26.44.020 (1) and WAC 388-15-009

Child Abuse and Neglect

- **Neglect is further defined as:**
 - An act or a failure to act, or cumulative effects of a pattern of conduct, behavior, or inaction, that shows a serious disregard of consequences and constitutes a clear and present danger to a child's health, welfare, or safety.
 - The following (*in and of themselves*) are not neglect:
 - Siblings sharing a bedroom.
 - Poverty, homelessness, or exposure to domestic violence.

RCW 26.44.020(14)

Potential Signs and Symptoms of Child Abuse and Neglect

- The first step in helping abused or neglected children is learning to recognize the signs of child maltreatment.
- The presence of a single sign of child abuse or neglect **may or may not** mean child abuse is occurring. When you are concerned about a situation, consider the impact to a child's safety. If you believe a child is unsafe and/or have reasonable cause to believe CA/N exists, contact law enforcement or your local DSHS/Children's Administration Intake worker.

Potential Signs and Symptoms of Child Abuse and Neglect

The Older Child or Adolescent

- When you're considering the impact to child's safety, remember **"All children and older youth have the right to live in an environment free from abuse and neglect."**
- Potential signs of child abuse and neglect must not be discounted because of a child's age and the child's "perceived" capacity to protect themselves.
- Regardless of a child's age, report suspected child abuse and neglect when you have a reasonable cause to do so.

Potential Signs and Symptoms of Child Abuse and Neglect

There is reasonable cause to suspect child abuse or neglect when the situations cause harm, or create a clear and present danger of harm to the child's health, welfare or safety.

These situations may include:

- Exposure to Domestic Violence
- Corporal Punishment
- Unsupervised or "Latchkey" Children
- Failure to Obtain Medical Care
- Prenatal Substance Abuse



Newborn Safety Act (Safe Haven)

- The Safety of Newborn Children Act allows a parent to transfer a newborn anonymously and without criminal liability to a hospital emergency room, fire station or federally designated rural health clinic, if open and personnel are present to accept the child.
- It is not child abuse or neglect when a parent 'transfers' a newborn child under the Safety of Newborn Children Act.
- The intent of this legislation was to assure abandonment does not occur and all newborns have an opportunity for adequate health care and a stable home life.

RCW 13.34.360

Role of the Mandated Reporter



Why should I report child abuse & neglect?

- So that children can be protected from further harm.
- It's the law.
 - No mandatory reporting individual/agency policy or protocol supersedes this law.

What if I do not report?

Every person who is required to make, or cause a report to be made and knowingly fails to do so, shall be guilty of a gross misdemeanor.

RCW 26.44.080

Who must report child abuse & neglect?

Any person who, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority. Some examples include:

Teachers	School counselors and other school staff	Police officers	Child and Family Ombudsman's staff
Nurses	Doctors	DSHS Staff	Court staff
Coroners	Pharmacist	Therapists	Psychologists
Department of Corrections personnel	Department of Early Learning staff	Guardians ad litem and CASAs	Childcare providers

For a complete list of mandated reporters, see: [RCW 26.44.030](#)

Who must report child abuse & neglect?

...also applies to any adult who has reasonable cause to believe that a child who resides with them has suffered severe abuse, and is able or capable of making a report.

“Severe abuse” means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. RCW 26.44.030

When should I report child abuse & neglect?

At the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. [RCW 26.44.030](#)

Who do I make a report to?

- If the child is in danger – **Call 911**
- Children's Administration offices in local communities receive and investigate reports of suspected child abuse and neglect.
 - **Daytime:** Contact a local DSHS/CA office. A listing of offices is located at:
<https://fortress.wa.gov/dshs/f2ws03apps/caofficespub/offices/general/OfficePick.asp>
 - **Nights & Weekends:**
The Child Abuse and Neglect Hotline at
1-866-ENDHARM (1-866-363-4276).

What if I'm not sure if I should make a report?

- Contact your local DSHS/Children's Administration office or the Child Abuse and Neglect Hotline to discuss the situation at: **1-866-ENDHARM** (1-866-363-4276)
- If you are in doubt about what should be reported, it is better to make your concerns known than to remain silent and possibly allow a child to remain unprotected.

What if the abuse occurred in the past?

- The reporting law does not apply to abuse or neglect that occurred during childhood if it's discovered after the child has become an adult.
- However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect, then the requirement applies.

What information will I be asked to provide?

Mandated reporters will be asked to provide as much of the following information as they are able:

- The name, address and age of the child and parents, stepparents, guardians, or other persons having custody of the child.
- Nature and extent of alleged:
 - Injury or injuries.
 - Neglect.
 - Sexual abuse
- Any evidence of previous injuries.
- Any other information that may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the alleged perpetrator(s).

What information will I be asked to provide?

- It is important to provide as much information about why you have reasonable cause to believe there is child abuse or neglect. This information will assist DSHS at intake or during the course of a CPS investigation if the case screens in. Examples include:
 - Issues, i.e., substance use, mental health that may impact a child's safety.
 - Parents' resources and strengths that can help the parents' care for and protect the children.
 - Parents' response to interventions, etc.
 - Names of family members.
 - Whether the child may be of Indian ancestry for Indian Child Welfare planning, if applicable.

When I make a report must I give my name?

Mandated reporters will be asked to provide their name in order to satisfy their mandatory reporting requirement and make it possible for the CA social worker to contact you if more information is needed.

Will my name be revealed as the reporter?

- Washington state law permits (but does not require) the Department to remove the names or identity of persons reporting child abuse. However, the names of mandated reporters are generally not removed unless it appears the disclosure of the name will create risk of harm to the reporter or the child.
- Additionally, if the case is brought to court or an administrative hearing, the reporter's identity may be revealed.

What happens when the reporter wishes to remain anonymous?

- Reports of child abuse or neglect from ANONYMOUS referrers can ONLY be investigated when any of the following are present:
 - (a) A serious threat of substantial harm exists to the child.
 - (b) Conduct involving a criminal offense has, or is about to occur, to the victim child.
 - (c) The Department has a prior founded report of abuse or neglect concerning a household member within the last three years of receipt of the current referral.
- Reports of child abuse or neglect from anonymous referrers involving children in licensed care are screened in.

What should I do when I make a report?

- Document your phone call with the date, time and name of the Intake social worker who took the report.
- You may request a call back if the intake is screened in for investigation and you would like to speak with the CPS social worker.

Can I be sued for making a report?

- Yes. However, the legislature has created a very high level of immunity for reports made in good faith.
- Any person making or testifying about a child abuse or neglect report in good faith is immune from any liability arising out of such reporting or testifying.

RCW 26.44.060

What happens if someone knowingly makes a false report?

- A person who, intentionally and in bad faith, knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with **RCW 26.44.080.**

Reporting and Racial Disproportionality



What is Racial Disproportionality?

Occurs when the population of children of color in any system including the child welfare system is higher than the population of children of color in the general population.

Children's Administration data from 2009 shows the greatest disproportionality for children of color in Washington state occurs when:

- The initial referral to Child Protective Services (CPS) is made.
- The decision to remove the child from the home is made.
- A child is in care for over two years.

Disproportionality in Washington State

- Disproportionality begins with the decision of whether to refer a child to CPS.
- Mandated reporters submit about 60 percent of all referrals to CPS.
- In 2009, three times as many Native American children as White children were referred to CPS for suspected abuse or neglect. Twice as many Black children were referred and 1.5 times as many multi-racial children were referred as White children.
- Families of color may be more likely to seek support from social service agencies and are more likely to make contact with mandated reporters as a result.

How can I help address Racial Disproportionality?

In order to successfully improve outcomes for children at risk, all of us must:

- Be culturally aware and sensitive as well as aware of one's own bias.
- Identify and understand the importance of a child's natural community including family (paternal and maternal), ethnicity, race, and cultural ties.
- Identify the child's tribal affiliation; if there is more than one identify all potential tribal connections.
- Identify if a child is receiving services from a tribe or Native American organization.
- Team with the community to provide protection and higher quality service delivery.

Err on the side of caution

The reduction of racial disproportionality is critical and we all have a responsibility to examine our personal biases based on race, ethnicity, and other factors. However, if you truly believe that ANY child is the victim of abuse or neglect, do not hesitate to call.



Role of DSHS Children's Administration Intake



What is the role of Intake?

- Gather information
- Make additional contacts as needed
- Screen and assess information
- Evaluate departmental authority to intervene
- Produce intake (referral)
- Assign intake to proper CA program

How are reports screened in for investigation?

SUFFICIENCY SCREEN QUESTIONS

- Is the victim under 18 years of age?
- If the allegation were true, does the allegation minimally meet the WAC definition of CA/N?*
- Does the alleged subject have the role of parent/caregiver, act in loco parentis or, or is the alleged subject unknown?

**Referrals that do not contain a child abuse allegation are screened in for investigation when there is imminent risk of serious harm.*

What happens if a report doesn't meet the definition of child abuse or neglect?

- Intake staff document this information as an “Information Only” intake in the Children’s Administration database called FamLink.
- If you disagree with the decision, you may discuss your concerns with the Intake Supervisor.

Role of CPS



CPS Related Statutes

- **CPS Response:**

- CPS are services provided by the Department of Social and Health Services designed to:
 - Protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and
 - Conduct investigations of child abuse and neglect reports. [RCW 26.44.020 & 26.44.030 & 74.13.031\(3\)](#).
- CPS must:
 - Assess risk of child abuse or neglect.
 - Investigate reports of child abuse or neglect.
[WAC 388-15-001 & 388-15-017](#)

Can I release information to CPS ?

- Yes. CPS may request records about a child kept by mandated reporters for review during a CPS investigation. [RCW 26.44.030](#)

What happens after a report is made and screened in to CPS?

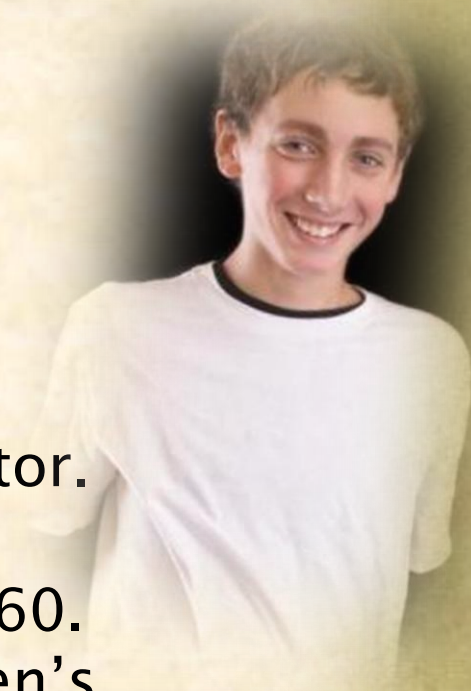
- The child will be seen within 24 – 72 hours.
- The safety of the child and other children in the household will be assessed.
- The CA social worker will make a determination about level of intervention needed based on the child's safety.

Advocating for Children

What can I do if I disagree with Intake or CPS?

- Use the chain of command.
 - Ask to speak to the Supervisor.
 - Ask to speak to the Area Administrator.
 - Ask to speak to the Regional Administrator.
- Request a Child Protection Team Meeting.
- Contact Constituent Relations 360-902-8060.
- Contact the Office of the Family and Children's Ombudsman (OFCO)

<http://www.governor.wa.gov/ofco/index.htm>



Resources for Mandated Reporters

- Information about reporting abuse and neglect of children can be located at: <http://www.dshs.wa.gov/ca/safety/abuseReport.asp?2>
- Washington State Coalition against Domestic Violence
<http://www.wscadv.org/>
- Housing Resources
<http://ca.dshs.wa.gov/intranet/pdf/manuals/housingresources.pdf>
- Women's Shelters in Washington
<http://www.usattorneylegalservices.com/women-shelters-Washington.html>
- Washington Homeless Shelter
<http://www.homelessshelterdirectory.org/washington.html>
- Washington Food Banks -- <http://www.commerce.wa.gov/maps/>
- Parent Trust for Washington's children – Parenting education and support -- <http://www.parenttrust.org/>
- Child Welfare Information Gateway -- <http://www.childwelfare.gov/>